

**SUMMARIZED MINUTES
SCOTTSDALE CITY COUNCIL
TUESDAY, SEPTEMBER 21, 2004**



**CITY HALL KIVA
3939 N. DRINKWATER BOULEVARD
SCOTTSDALE, AZ 85251**

CALL TO ORDER

Mayor Manross called to order a Regular Meeting of the Scottsdale City Council on Tuesday, September 21, 2004 in the Kiva, City Hall, at 5:02 P.M.

ROLL CALL

Present: Mayor Mary Manross
Vice Mayor Robert Littlefield
Council Members Betty Drake, Wayne Ecton,
Ron McCullagh, W.J. "Jim" Lane, and Kevin Osterman

Also Present: City Manager Jan Dolan
City Attorney Joseph Bertoldo
City Clerk Carolyn Jagger

PLEDGE OF ALLEGIANCE

- Girl Scout Troop #25 from Hopi Elementary School and Troop Leader Stephanie Butler.

INVOCATION

- Pastor Rudy Jackson, Morningstar Life Church.

PRESENTATIONS/INFORMATION UPDATES

- Mayor Manross thanked Charros, Parks and Recreation Department, and Scottsdale School District for creating a special Intramural Sports Program at district middle schools.
- Recognition of the 2004 Treasures and Trash Coloring Contest Winner (Jessica Hammit-Schiltz) and Upcoming Event by the Scottsdale Pride Committee, Chair Chandra Bonfiglio.

NOTE IN ACCORDANCE WITH PROVISIONS OF THE ARIZONA REVISED STATUTES THE SUMMARIZED MINUTES OF CITY COUNCIL MEETINGS ARE NOT VERBATIM TRANSCRIPTS. ONLY THE ACTIONS TAKEN AND DISCUSSION APPEARING WITH QUOTATION MARKS ARE VERBATIM. DIGITAL RECORDINGS OF CITY COUNCIL MEETINGS ARE ON FILE IN THE CITY CLERK'S OFFICE.

BOARDS, COMMISSIONS AND TASK FORCES

Appointments

Airport Advisory Commission (1) – **Leonard Tinnan** reappointed
Enhanced Municipal Services District Commission (1) – **Sally Shaffer** appointed
Human Services Commission (2) – **Diane Fausel** reappointed and **Jeannine Berg** appointed
Judicial Appointments Advisory Board (3) - **Christopher Lonn (State Bar Rep)**, **Dan Schmidt**, and **Gordon Griller** appointed
Library Board (1) – **Judith Lewis** appointed
Neighborhood Enhancement Commission (1) – **Patty Badenoch** reappointed
Parks and Recreation Commission (2) – **Kemp Ellis** and **Ron King** appointed
Scottsdale Pride Committee (1) – **Rosanna Organ** appointed

PUBLIC COMMENT

George Knowlton, 8701 E Valley View Rd, 85250, presented a petition (attached) asking that activists be prohibited from serving on City boards and commissions. In addition, he proposed fines for applicants who provide inaccurate information.

Mike Aloisi, 6846 N 72nd Pl, 85250, presented statistics on violence committed against police officers and urged greater protection for law enforcement personnel.

MINUTES

REGULAR MEETINGS
August 30, 2004
August 31, 2004

EXECUTIVE SESSIONS
June 10, 2004
June 15, 2004
July 7, 2004

COUNCILMAN LANE MOVED FOR APPROVAL OF THE REGULAR MEETING MINUTES OF AUGUST 30, 2004 AND AUGUST 31, 2004 AND EXECUTIVE SESSION MINUTES OF JUNE 10, 2004, JUNE 15, 2004, AND JULY 7, 2004. COUNCILMAN MCCULLAGH SECONDED THE MOTION, WHICH CARRIED 7-0.

CONSENT AGENDA ITEMS 1 – 15

1. Swamp Stomp Liquor License

Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person to person transfer of a series 6 (bar) liquor license to a location currently operating with an interim permit.

Location: 10201 N. Scottsdale Road Ste. 1-7

Reference: 48-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

ITEM 1 WAS WITHDRAWN.

2. Babes Cabaret Liquor License

Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person transfer of a series 6 (bar) liquor license. This location is currently operating with an interim permit.

Location: 2011 N. Scottsdale Road

Reference: 53-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

3. Sprouts Farmers Market Liquor License

Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a person and location transfer of a series 7 (beer & wine bar) liquor license to an existing location currently operating with a series 10 (beer & wine store) license.

Location: 9301 E. Shea Boulevard Ste. 132

Reference: 59-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 480-312-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

4. Target #936 Liquor License

Request: To consider forwarding a favorable recommendation to the Arizona Department of Liquor Licenses and Control for a new series 10 (beer & wine store) liquor license for an existing department store currently operating without a liquor license.

Location: 15444 N. Frank Lloyd Wright Boulevard

Reference: 61-LL-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 312-480-7064, kekblaw@scottsdaleaz.gov; Bob Bushfield, Plan Review and Permit Services Director, 480-312-7096, bbushfield@scottsdaleaz.gov

5. DC Ranch Parcel 6.1 Final Plat

Request: Approve final plat for a 20-lot single-family residential subdivision on a 61.93+/- acre parcel.

Location: DC Ranch Parcel 6.1 north and east of Thompson Peak Parkway and Desert Camp Drive

Reference: 7-PP-2004

Staff Contact(s): Kroy Ekblaw, Planning and Development Services General Manager, 312-480-7064, kekblaw@scottsdaleaz.gov; Randy Grant, Chief Planning Officer, 480-312-7995, rgrant@scottsdaleaz.gov; Tim Curtis, Project Coordination Manager, 480-312-4210, tcurtis@scottsdaleaz.gov

6. Funding for the LINKS Community Collaborative

Request: Consider adopting Resolution No. 6538 to authorize signature authority and an expenditure of \$42,000 from the operating budget for agreements relating to the LINKS Community Collaborative. This action will renew the City's commitment to LINKS for the 2004-05 fiscal year.

Related Policies, References: Resolution Nos. 4397, 4911, 5351, 5883, 6129 and 6372

Staff Contact: Judy Register, Citizen and Neighborhood Resources General Manager, 480-312-2454, jregister@scottsdaleaz.gov

7. Grant Acceptance to Purchase Police Crime Lab Equipment

Request: Adopt Resolution No. 6532 authorizing the Police Department to accept the Arizona Criminal Justice Commission Full-Service Forensic Crime Laboratory Grant Program One-Year Grant #2004-133-COS in the amount of \$77,960. The grant will allow the Police Department to purchase microanalysis instrumentation needed to enhance the trace evidence analysis within the Crime Laboratory. The grant was anticipated and included in the approved FY 04/05 budget. There are no city cost-sharing requirements.

Staff Contact(s): Alan Rodbell, Chief of Police, 480-312-5310, arodbell@scottsdaleaz.gov; Steve Garrett, Forensic Services Division, 480-312-5280, sgarrett@scottsdaleaz.gov

8. Construction Bid Award for Improvements of 96th Street from Shea Blvd. to Redfield Road and Payment to Arizona Public Service for the related Street Light Installation

Requests:

1. Authorize Construction Bid Award No. 04PB148 to Archon, Inc., the lowest responsive bidder, at their unit price bid of \$5,388,000 for the improvements of 96th Street from Shea Boulevard to Redfield Road.
2. Authorize payment to Arizona Public Service (APS) in the approximate amount of \$335,000 for the installation of a street light system for this street segment.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Corey E. Lew, Project Manager, 480-312-7769, clew@scottsdaleaz.gov

9. WestWorld ATM Vendor License Agreement

Request: Adopt Resolution No. 6551 authorizing License Agreement No. 2004-140-COS with 13, LLC, dba ACM Quick Cash to provide automated teller machine services at WestWorld.

Related Policies, References:

- Cost-Sharing and Land Use Agreement with the Bureau of Reclamation
- 20-ZN-1995#2, WestWorld Development Plan Update, 3/4/2003

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Stan Seigal, Asset Management Coordinator, 480-312-7042, sseigal@scottsdaleaz.gov

10. Engineering Services Contract for the Design of Hayden Road and Shea Boulevard Intersection Improvements

Request: Authorize Engineering Services Contract No. 2004-114-COS with Stantec Consulting Inc., in the amount of \$161,298 for the design of the Hayden Road & Shea Boulevard Intersection Improvements.

Related Policies, References: FY 2004/05 Capital Improvement Plan

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Robert M. Johnson, Project Manager, 480-312-7054, rmjohnson@scottsdaleaz.gov

11. Engineering Services Contract for the Design of Hayden Road and Via de Ventura Intersection Improvements

Authorize Engineering Services Contract No. 2004-115-COS with Parsons Brinckerhoff Quade & Douglas, Inc., in the amount of \$154,400 for the design of the Hayden Road and Via de Ventura Intersection Improvements.

Related Policies, References: FY 2004/05 Capital Improvement Plan

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Robert M. Johnson, Project Manager, 480-312-7054, rmjohnson@scottsdaleaz.gov

12. Engineering Services Contract for the Design of Indian School Road Improvements

Request: Authorize Engineering Services Contract No. 2004-116-COS with Dibble & Associates, in the amount of \$649,476 for the design of the Indian School Road Improvements.

Related Policies, References:

- FY 2004/05 Capital Improvement Plan
- Bond 2000

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Robert M. Johnson, Project Manager, 480-312-7054, rmjohnson@scottsdaleaz.gov

13. Lease Agreement for the CAP Water Connection Project - Shea Blvd. to McDonald Drive

Request: Adopt Resolution No. 6486 authorizing Lease Agreement No. 2004-039-COS with ADOT for right-of-way from Shea Boulevard to McDonald Drive, at the appraised value of \$209,200, for the CAP Water Connection Project.

Related Policies, References:

- a. Council approved the 2001 Water Resources Master Plan on October 15, 2001.
- b. Council approved Engineering Services Contract 2002-073-COS for conceptual design of CAP Water Connection project and Chaparral WTP Waterlines project with HDR Engineering, Inc., on July 1, 2002.
- c. Council approved Engineering Services Contract Modification 2002-073-COS-A for final design of the CAP Water Connection project and Chaparral WTP Waterlines project with HDR Engineering, Inc., on April 14, 2003.
- d. Council approved Construction Bid Award No. 04PB064 to Achen-Gardner Engineering, LLC, for construction of the CAP Water Connection Project and influent and distribution waterlines associated with the Chaparral WTP, on June 22, 2004.

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Doreen Song, P.E. Project Manager, 480-312-2367, dsong@scottsdaleaz.gov; Stanley F. Seigal, Asset Management Coordinator, 480-312-7042, sseigal@scottsdaleaz.gov; Rhonda Thomas, Right of Way Agent, 480-312-7847, rthomas@scottsdaleaz.gov

14. Engineering Services Contract for the Design of the Crosscut Canal Multi-Use Path Improvements

Request: Authorize Engineering Services Contract No. 2004-131-COS with HDR Engineering, Inc., in the amount of \$282,256 for the design of the Crosscut Canal Multi-Use Path Improvements.

Related Policies, References: FY 2004/05 Capital Improvement Plan

Staff Contact(s): Al Dreska, Municipal Services General Manager, 480-312-5555, adreska@scottsdaleaz.gov; Doreen Song, P.E., Project Manager, 480-312-2367, dsong@scottsdaleaz.gov

15. Changes to Limits on Wastewater Discharges to the City of Scottsdale Sanitary Sewer System

Request: Adopt Resolution No. 6548 and Ordinance No. 3586 amending the Municipal Code relating to local limits of wastewater discharges to the City's sanitary sewer system.

Related Policies, References: "Final Report - 2004 Local Limits Update" SROG Phase II Local Limits Assistance, Malcolm Pirnie, Inc.

Staff Contact(s): David M. Mansfield, Water Resources General Manager, 480-312-5681, dmansfield@scottsdale.az.gov; Harry Tolmachoff, Water Quality Specialist, 480-312-8749, htolmachoff@scottsdale.az.gov

MOTION AND VOTE – CONSENT AGENDA

COUNCILMEMBER DRAKE MOVED FOR APPROVAL OF CONSENT AGENDA ITEMS 2-15, PER STAFF RECOMMENDATIONS AND WITH A MINOR AMENDMENT TO ITEM 13 (PER THE ATTACHED MEMO FROM THE CITY CLERK.) COUNCILMAN ECTON SECONDED THE MOTION, WHICH CARRIED 7-0.

MAYOR AND COUNCIL ITEMS

1. Consideration of a request from Councilman W. J. "Jim" Lane to create a City Council Subcommittee on Public Safety.

Council discussion focused on:

- Clarification of the purpose of the request including: 1) to provide a more efficient means for considering public safety policy, 2) to provide a more expeditious way to monitor the budget/public safety tax, 3) to build citizen trust, 4) to provide a forum to disseminate information to the public, and 5) to bring back more detailed information or recommendations to Council.
- The possibility that a subcommittee could improve public awareness.
- The number of Council members participating in the subcommittee and the process that should be followed to appoint members, if created.
- Postponing the decision until a global review of the need for subcommittees is conducted.
- The urgency of creating a subcommittee and how timing would impact the new fire department as departmental policies are developed.
- Whether or not a subcommittee would create a barrier to the Fire and Police Chiefs during the transition period.
- The importance of the subcommittee having a more clearly defined purpose, clearer guidelines, and input from the Police and Fire Departments.

Mayor Manross opened public testimony.

Michael Merrill, 8713 E Vernon Av, 85257, felt this item should be tabled until specific guidelines are established.

Mayor Manross closed public testimony.

Councilman Lane's email outlining the purpose of the proposed subcommittee was read into the record. The email outlined the following request:

The authorization of establishment of a standing public safety committee with the recommended appointment of Councilman Lane, Littlefield, and McCullagh as the initial subcommittee members.

The functions to include, but not be limited to:

1. Policy development, assessment of post and pre-budget impact of policies and procedures, economic and social impact of policies on citizens.
2. A forum for early public review of policies to assure fair and reasonable allocation of limited resources between agencies.
3. Standing subcommittee with regularly scheduled meetings as determined by the committee members.
4. A non-cost measure to act upon the city's goals to make government assessable, responsive, and accountable and to ensure Scottsdale is fiscally responsible and fair in its management of taxpayer money and assets.

MOTION

COUNCILMAN LANE MOVED TO AUTHORIZE THE FORMATION OF A COUNCIL SUBCOMMITTEE ON PUBLIC SAFETY PER HIS WRITTEN SUBMITTAL TO THE CITY MANAGER AND COUNCIL (outlined above.)

THE MOTION DIED FOR LACK OF A SECOND.

VICE MAYOR LITTLEFIELD MOVED FOR CONTINUANCE OF THIS ITEM INDEFINITELY. COUNCILMEMBER DRAKE SECONDED THE MOTION, WHICH CARRIED 5-2, WITH COUNCILMEN LANE AND OSTERMAN DISSENTING.

2. Consideration of a request from Councilman Ron McCullagh to amend the Sign Ordinance to eliminate signs (political signs) in the public right-of-way.

Council discussion included:

- Clarification on the two options available to Council to amend the Sign Ordinance including: 1) Referring the issue to the Planning Commission for further evaluation and a recommendation, as well as receive guidance from staff and legal department, or 2) Council could direct that in a later meeting, the initiation be voted on with more specific language about the amendment regarding political signs.

- Discuss and consider global amendments to the sign ordinance at the next Council retreat, while considering an abbreviated action focusing on political signs that could take place sooner.
- The possibility of limiting signage rather than prohibiting it.
- The potential consequences of bans, such as impacts to businesses and art in public places.

Mayor Manross opened public testimony.

Darlene Petersen, 7327 E Wilshire Dr, 85257, expressed her views that the city should get rid of all political signs unless on private property, and that the issue should be on a regular agenda for public discussion. She also requested restrictions be placed on news racks as well.

Diane Jezek-Powell, 9688 E Camino del Santo, 85260, spoke in favor of eliminating political signs. She stated her belief that campaign money would be better spent on websites and mailings.

Public testimony was closed.

MOTION

COUNCILMAN ECTON MOVED TO DIRECT STAFF TO STUDY THE POSSIBILITY OF PASSING AN ORDINANCE TO ELIMINATE POLITICAL SIGNS IN PUBLIC RIGHT-OF-WAYS AND PROVIDE A FULL REPORT OF CONSIDERATIONS. COUNCILMEMBER DRAKE SECONDED THE MOTION AND PROPOSED AN AMENDMENT TO CHANGE WORDING TO "FURTHER RESTRICT OR PROHIBIT SIGNS IN THE PUBLIC RIGHT-OF-WAY." COUNCILMAN ECTON ACCEPTED THE AMENDMENT (which carried 6-1.)

The City Manager further clarified the motion was to initiate an amendment to the ordinance through the Planning Commission.

THE MOTION CARRIED 6-1, WITH VICE MAYOR LITTLEFIELD DISSENTING.

3. Consideration of a request from Vice Mayor Robert Littlefield to remove the Los Arcos Redevelopment District designation.

Discussion revealed that this item was a moot point at this time, since the proposed Motor Mile Enhanced Municipal Services District would be coming before the Council in four to six weeks and should be acted upon before the redevelopment issue.

CITY MANAGER'S REPORT - None

PUBLIC COMMENT

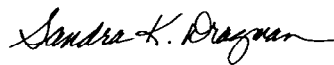
Darlene Petersen, 7327 E Wilshire Dr, 85257, responded to the petition presented by Mr. Knowlton. She noted that activists are interested citizens and to deny them membership on

commissions would be wrong. She further stated that items brought up at Council retreats should not be swept under the carpet.

ADJOURNMENT

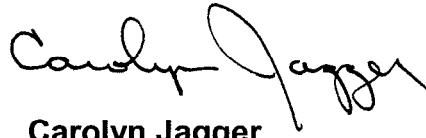
With no further business to discuss, the meeting adjourned at 7:03 P.M.

SUBMITTED BY:



Sandy Dragman
Recording Secretary

REVIEWED BY:



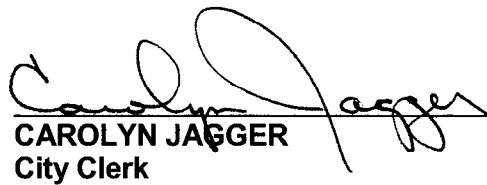
Carolyn Jagger
City Clerk

CERTIFICATE

I hereby certify that the foregoing Minutes are a true and correct copy of the Minutes of the Regular Meeting of the City Council of Scottsdale, Arizona held on the 21st day of September 2004.

I further certify that the meeting was duly called and held, and that a quorum was present.

DATED this 28th day of September 2004.



CAROLYN JAGGER
City Clerk

Formal Petition to the Scottsdale City Council

OFFICE OF THE
CITY CLERK

On this date, September 21st, 2004, We, the undersigned citizens of Scottsdale Arizona formally request that the Scottsdale City Council discuss and make a positive decision on the following two (2) new provisions to city practices within the time allotted by the Scottsdale City Charter as provided in Article 2, Section 16 of said Charter, to enrich the versatility and viability of the boards, commissions, and committees:

1. Revise the current practice of appointing qualified members to boards, commissions, and committees, in addition to those posted qualifications, by disqualifying those citizens who are overtly active and vocal on multiple city issues from serving on said boards, commissions, and committees with the exception that citizens who are one (1) or two (2) issue activists. Those overt activists with a verifiable expertise on a particular subject(s) should be encouraged to serve on special single issue committees where their expertise would be helpful, such as the Fire Department or Districting Task Forces, to add some expertise to the panel while limiting the total number of equally divided pro and con activist appointees to fifty percent (50%) but no less than forty percent (40%) of the total said assembled panel.
2. Add a new provision to the qualifications for boards, commissions, and committees which would provide that the appointee and the council member nominating them for service would each face a monetary fine of \$250.00, and in addition would owe the citizens of the city a public apology for their indiscretion should it be found that the nominee misstated any information concerning their qualifications to serve, and the nominating council member failed to verify the applicants qualifications prior to the nomination to the full city council.

Date	Name (print)	Signature	Address
9-18-04	Kenneth M. Ries	<i>Kenneth M. Ries</i>	8707 E. Valley View Rd. Scottsdale, AZ 85250
9-18-04	Evalina G. Ries	<i>Evalina G. Ries</i>	8707 E. VALLEY VIEW RD. SCOTTSDALE AZ 85250
9-18-04	Theresa James	<i>Theresa M. James</i>	8702 E. Valley View Rd Scottsdale AZ 85250
9-18-04	DONALD A JAMES	<i>Donald James</i>	8702 E. Valley View Rd Scottsdale AZ 85250
9/19/04	EDWIN N. STEWART	<i>Edwin N. Stewart</i>	8731 E. PLAZA AVE SCOTTSDALE, AZ 85250
9/19/04	Vicky C. STEWART	<i>Vicky Stewart</i>	8731 E. Plaza Ave. SCOTTSDALE, AZ 85250
9/19/04	RICHARD STEWART	<i>Richard H. Stewart</i>	8731 E. PLAZA AVE SCOTTSDALE, AZ 85250
9/20/04	Betty Reed	<i>Betty Reed</i>	4521 N MILLER RD SCOTTSDALE, AZ 85259
9/20/04	LORED LANDESLOT	<i>Lorel Landeslot</i>	2521 N MILLER RD SCOTTSDALE, AZ 85259
9/20/04	BETHY S. THODE	<i>Betty S. Thode</i>	7777 E. CAMELBACK RD. SCOTTSDALE, AZ 85259
9/20/04	GOODIE C KNOWLTON	<i>Goodie Knowlton</i>	8701 E Valley View Rd Scottsdale AZ 85250
9/20/04	Bonnie E. Knowlton	<i>Bonnie E. Knowlton</i>	8701 E Valley View Rd Scottsdale AZ 85250

Office of the City Clerk

INTEROFFICE MEMORANDUM



To: The Honorable Mayor and City Council
From: Carolyn Jagger
Date: Tuesday, September 21, 2004
Re: Correction to Item 13

Staff just received a request from ADOT to make a minor amendment to the lease agreement that is scheduled for your action this evening as Consent Item No. 13. This item is related to approving a lease agreement with ADOT so that the City can install a city waterline in ADOT right-of-way.

This late request from ADOT is considered a minor amendment to the lease. It requires the City to provide ADOT with a 30-day advanced notice if: 1) in the future, the City decides to expand/upgrade the waterline; and 2) that work would disturb existing vegetation/landscaping. Staff reports that they have no problem with this minor request.

Attached is the portion of the lease you received in your packets (highlighted in orange) and the updated language (highlighted in yellow) for your reference this evening. This new information does not cause a noticing issue and does not need to read into the public record this evening. This is only for your information before taking action tonight. The updated lease language will become a part of the official public record for this item.

c: City Manager Jan Dolan
City Attorney Joseph Bertoldo

ARIZONA DEPARTMENT OF TRANSPORTATION
INTERMODAL TRANSPORTATION/RIGHT OF WAY GROUP
PROPERTY MANAGEMENT SECTION

**RENTAL AGREEMENT
FOR UNIMPROVED OR VACANT PROPERTIES**

Project:	101L MA 034 H083001R	Agreement:	CRA-
Highway:	PIMA FREEWAY	Rental Payment:	\$209,200.00
Section:	Shea - Via Linda		
Parcel:	Various		

The State of Arizona, by and through the Arizona Department of Transportation, hereinafter referred to as Lessor, does hereby lease to the CITY OF SCOTTSDALE, referred to as Lessee, an easement encompassing that real the property shown generally on Exhibit "A" hereto, which Exhibit "A" is for reference only, and more particularly described in Exhibits "B" through "I" inclusive. The property described in Exhibits "B" through "I" inclusive is hereafter referred to as the "Leased Property". The Leased Property is generally located from a point commencing along the south boundary line of Shea Boulevard just east of the PIMA FREEWAY right of way, then crossing the PIMA FREEWAY to the west, and continuing southerly along the west side of the PIMA FREEWAY right of way to Via Linda Boulevard, in the City of Scottsdale, Arizona. This Lease Agreement permits Lessee to install, improve, repair, operate and maintain one (1) twenty-four inch (24") waterline and all ancillary connections as the intake and distribution waterlines for the Chaparral Water Treatment Plant. Additionally, the City of Scottsdale is granted a temporary construction easement (hereinafter referred to as the "TCE") encompassing the property described in Exhibit "J" hereto (The TCE Property") for the purpose of construction the facilities necessary for the beneficial use of the Leased Property permitted by this lease. Following construction, the Lessee shall restore the TCE site to its original condition prior to construction activity, in accordance with ADOT's "as-built" drawings, all City Code requirements and the City Design Standards and Policies Manual.

This Lease Agreement becomes effective on _____ 2004.

THIS AGREEMENT IS SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. **Term of the Lease**
A. The term of the Lease Agreement shall be for a fifty (50) year period from _____, 2004 through _____, 2054. At the expiration of this period and at the sole discretion of Lessor, this Agreement may be renewed at terms mutually agreed upon by Lessor and Lessee. Terms of this Lease Agreement shall not be construed to grant any prior right of occupancy to Lessee. In the event Lessor determines future highway transportation need for all or part of the premises identified in this Agreement, Lessor will give notice of not less than one year from date of actual need. In such an event, Lessee agrees to relocate all affected facilities at Lessee's expense, and Lessor agrees to reimburse Lessee for any unexpired lease value. Either party may terminate this Agreement by sending written notice to the other party at least thirty (30) days prior to the effective date of cancellation.
B. The TCE shall expire and terminate thirty (30) days after the completion of construction of the twenty-four (24) inch waterline and all ancillary connections forming the intake and distribution waterline for the Chaparral Water Treatment Plant.

Rental Rate

Lessee has paid, and Lessor has acknowledged receipt of check # _____, dated _____, in the amount of \$209,200.00 as total compensation for the Lease and TCE.

Subject: 9/21 ALERT-Slight Change Item No. 13

Importance: High

Consent Item No. 13 –Revised/Updated Language (highlighted in yellow)

1. Term of the Lease Agreement

A. The term of the Lease Agreement shall be for a fifty (50) year period from October 1, 2004 through September 30, 2054. At the expiration of this period and at the sole discretion of Lessor, this Agreement may be renewed at terms mutually agreed upon by Lessor and Lessee. Terms of this Lease Agreement shall not be construed to grant any prior right of occupancy to Lessee. In the event Lessor determines future highway transportation need for all or a significant portion of the premises identified in this Agreement and said need requires the relocation of all or part of the Lessee's water distribution pipeline, Lessor will give notice of not less than one year from date of actual need. In such an event, Lessee agrees to relocate all affected facilities at Lessee's expense, and Lessor agrees to reimburse Lessee for any unexpired lease value. In the event Lessor determines future need for expansion or upgrading of its own systems, and such need would not require pipeline relocation but would represent only minor disturbance to Lessee's in-place improvements, then Lessor will give notice of not less than thirty (30) days from the date of actual need and Lessee agrees, at Lessee's expense, to accomplish the required modifications in a timely manner. Either party may terminate this Agreement by sending written notice of such action at least one year prior to effective cancellation date.

Office of the City Clerk

INTEROFFICE MEMORANDUM



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From: Carolyn Jagger
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Section:	Shea - Via Linda		
Parcel:	Various		

The State of Arizona, by and through the Arizona Department of Transportation, hereinafter referred to as Lessor, does hereby lease to the CITY OF SCOTTSDALE, referred to as Lessee, an easement encompassing that real the property shown generally on Exhibit "A" hereto, which Exhibit "A" is for reference only, and more particularly described in Exhibits "B" through "I" inclusive. The property described in Exhibits "B" through "I" inclusive is hereafter referred to as the "Leased Property". The Leased Property is generally located from a point commencing along the south boundary line of Shea Boulevard just east of the PIMA FREEWAY right of way, then crossing the PIMA FREEWAY to the west, and continuing southerly along the west side of the PIMA FREEWAY right of way to Via Linda Boulevard, in the City of Scottsdale, Arizona. This Lease Agreement permits Lessee to install, improve, repair, operate and maintain one (1) twenty-four inch (24") waterline and all ancillary connections as the intake and distribution waterlines for the Chaparral Water Treatment Plant. Additionally, the City of Scottsdale is granted a temporary construction easement (hereinafter referred to as the TCE) encompassing the property described in Exhibit "J" hereto (The TCE Property") for the purpose of construction the facilities necessary for the beneficial use of the Leased Property permitted by this lease. Following construction, the Lessee shall restore the TCE site to its original condition prior to construction activity, in accordance with ADOT's "as-built" drawings, all City Code requirements and the City Design Standards and Policies Manual.

This Lease Agreement becomes effective on _____ 2004.

THIS AGREEMENT IS SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:

1. Term of the Lease Agreement

- A. The term of the Lease Agreement shall be for a fifty (50) year period from _____, 2004 through _____, 2054. At the expiration of this period and at the sole discretion of Lessor, this Agreement may be renewed at terms mutually agreed upon by Lessor and Lessee. Terms of this Lease Agreement shall not be construed to grant any prior right of occupancy to Lessee. In the event Lessor determines future highway transportation need for all or part of the premises identified in this Agreement, Lessor will give notice of not less than one year from date of actual need. In such an event, Lessee agrees to relocate all affected facilities at Lessee's expense, and Lessor agrees to reimburse Lessee for any unexpired lease value. Either party may terminate this Agreement by sending written notice of such action at least thirty (30) days prior to the intended effective date of cancellation.
- B. TCE: the TCE shall expire and terminate thirty (30) days after the completion of construction of the twenty-four (24) inch waterline and all ancillary connections forming the intake and distribution waterline for the Chaparral Water Treatment Plant.

2. Rental Rate

Lessee has paid, and Lessor has acknowledged receipt of check # _____, dated _____, in the amount of \$209,200.00 as total compensation for the Lease and TCE.

Subject: 9/21 ALERT-Slight Change Item No. 13

Importance: High

Consent Item No. 13 –Revised/Updated Language (highlighted in yellow)

1. Term of the Lease Agreement

A. The term of the Lease Agreement shall be for a fifty (50) year period from October 1, 2004 through September 30, 2054. At the expiration of this period and at the sole discretion of Lessor, this Agreement may be renewed at terms mutually agreed upon by Lessor and Lessee. Terms of this Lease Agreement shall not be construed to grant any prior right of occupancy to Lessee. In the event Lessor determines future highway transportation need for all or a significant portion of the premises identified in this Agreement and said need requires the relocation of all or part of the Lessee's water distribution pipeline, Lessor will give notice of not less than one year from date of actual need. In such an event, Lessee agrees to relocate all affected facilities at Lessee's expense, and Lessor agrees to reimburse Lessee for any unexpired lease value. In the event Lessor determines future need for expansion or upgrading of its own systems, and such need would not require pipeline relocation but would represent only minor disturbance to Lessee's in-place improvements, then Lessor will give notice of not less than thirty (30) days from the date of actual need and Lessee agrees, at Lessee's expense, to accomplish the required modifications in a timely manner. Either party may terminate this Agreement by sending written notice of such action at least one year prior to effective cancellation date.

Formal Petition to the Scottsdale City Council

OFFICE OF THE
CITY CLERK

On this date, September 21st, 2004, We, the undersigned citizens of Scottsdale Arizona formally request that the Scottsdale City Council discuss and make a positive decision on the following two (2) new provisions to city practices within the time allotted by the Scottsdale City Charter as provided in Article 2, Section 16 of said Charter, to enrich the versatility and viability of the boards, commissions, and committees:

1. Revise the current practice of appointing qualified members to boards, commissions, and committees, in addition to those posted qualifications, by disqualifying those citizens who are overtly active and vocal on multiple city issues from serving on said boards, commissions, and committees with the exception that citizens who are one (1) or two (2) issue activists. Those overt activists with a verifiable expertise on a particular subject(s) should be encouraged to serve on special single issue committees where their expertise would be helpful, such as the Fire Department or Districting Task Forces, to add some expertise to the panel while limiting the total number of equally divided pro and con activist appointees to fifty percent (50%) but no less than forty percent (40%) of the total said assembled panel.
2. Add a new provision to the qualifications for boards, commissions, and committees which would provide that the appointee and the council member nominating them for service would each face a monetary fine of \$250.00, and in addition would owe the citizens of the city a public apology for their indiscretion should it be found that the nominee misstated any information concerning their qualifications to serve, and the nominating council member failed to verify the applicants qualifications prior to the nomination to the full city council.

Date	Name (print)	Signature	Address
9-18-04	Kenneth M. Rias	<i>Kenneth M. Rias</i>	8707 E. Valley View Rd Scottsdale AZ 85250
9-18-04	EVANNA G. RIES	<i>Evanna G. Rias</i>	8707 E. VALLEY VIEW RD. Scottsdale AZ 85250
9-18-04	Theresa James	<i>Theresa M. James</i>	8702 E. Valley View Rd Scottsdale AZ 85250
9-18-04	Donald A James	<i>Donald A James</i>	8702 E. Valley View Rd Scottsdale AZ 85250
9/19/04	EDWIN N. STEWART	<i>Edwin N. Stewart</i>	8731 E. PLAZA AVE SCOTTSDALE AZ 85250
9/19/04	NICOLE C. STEWART	<i>Nicole Stewart</i>	8731 E. PLAZA AVE. SCOTTSDALE, AZ 85250
9/19/04	MICHAEL STEWART	<i>Michael H. Stewart</i>	8731 E. PLAZA AVE SCOTTSDALE, AZ 85250
9/30/04	Betty Reed	<i>Betty Reed</i>	8521 N MILLER RD SCOTTSDALE AZ 85257
9/30/04	LOREN LANDSLIST	<i>Loren Landslist</i>	8521 N MILLER RD SCOTTSDALE AZ 85257
9/30/04	BETTY S. THODE	<i>Betty S. Thode</i>	7777 E. Camelback Rd. Scottsdale AZ 85257
9/30/04	GORDON E. KOWALSON	<i>Gordon E. Kowalson</i>	8701 W. Valley View Rd Scottsdale AZ 85250
9/30/04	Bonnie E. Kowalson	<i>Bonnie E. Kowalson</i>	8701 E. Valley View Rd Scottsdale AZ 85250